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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Michael V. Regno, Jr.,
10 Petitioner,

11 v.

12 Jason Gunther,
13 Respondent.
14

No. CV-24-02366-PHX-JJT (ASB)

ORDER

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16 Before the Court is the Report and Recommendation (Doc. 13, “R&R”) of United
17 States Magistrate Judge Alison S. Bachus concluding the Court should deny and dismiss
18 with prejudice Micheal V. Regno, Jr.’s Petition under 28 U.S.C. § 2241 for a Writ of
19 Habeas Corpus (Doc. 1, “Petition”). In the R&R, Judge Bachus warned the parties that they
20 had fourteen days from the date of service of the R&R to file any specific written objections
21 to it with the Court. Judge Bachus further warned that “failure to timely file objections [to
22 the R&R] may result in the acceptance of [it] by the District Court without further review.”
23 (R&R at 12.) It has now been over a month since service of the R&R and Petitioner Regno
24 has filed no objections thereto. The Court is thus empowered to accept the R&R without
25 further review. It nonetheless elects to conduct a review of the recommendations on their
26 merits; upon doing so, the Court concludes that adoption of Judge Bachus’s
27 recommendations, as well as her reasoning as set forth in the concise but thorough R&R,
28 is justified.

1 As Judge Bachus found at the outset of the R&R, Petitioner is statutorily ineligible
2 for relief in the form of earned time credits (“ETCs”) due to his offense of conviction.
3 Petitioner was convicted in relevant part of possession of a firearm in furtherance of drug
4 trafficking in violation of 18 U.S.C. § 924(c)(a)(A). 18 U.S.C. § 3632(d)(4)(D)(xxii)—the
5 statute under which Petitioner seeks relief—provides unequivocally that

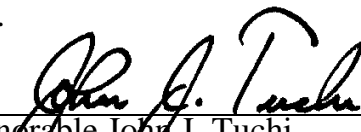
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7 [a] prisoner is ineligible to receive time credits under this
8 paragraph if the prisoner is serving a sentence for a conviction
9 under any of the following provisions of law . . . (xxii) section
10 924(c), relating to unlawful possession or use of a firearm
11 during and in relation to any crime of violence or drug
12 trafficking crime.

13 While Judge Bachus dutifully went on to thoroughly and correctly analyze each of
14 Petitioner’s subsequent and dependent arguments for relief, she could have stopped here,
15 as the Court will do. Petitioner is simply not eligible for ETCs in any form as the nature of
16 his conviction expressly excludes him. The Court need reach any of the other subordinate
17 arguments.

18 **IT IS ORDERED** adopting in whole the R&R (Doc. 13) submitted by Judge
19 Bachus and denying and dismissing with prejudice the Petition under 28 U.S.C. § 2241 for
20 a Writ of Habeas Corpus (Doc. 1).

21 **IT IS FURTHER ORDERED** directing the Clerk of the Court to enter judgment
22 accordingly and close this matter.

23 Dated this 25th day of April, 2025.

24 
Honorable John J. Tuchi
United States District Judge